

DOCKET NO. 1530

SEP 4 2003
DAVID J. MALAND, CLERK
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AUG 11 2003
FILED
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BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE FLEMING COMPANIES INC. SECURITIES & DERIVATIVE
LITIGATION**

Massachusetts State Carpenters Pension Fund v. Fleming Co., Inc., et al.,
N.D. Texas, C.A. No. 3:03-460-m

Rick Fetterman, et al. v. Mark Hansen, et al., N.D. Texas, C.A. No. 3:03-1435-L

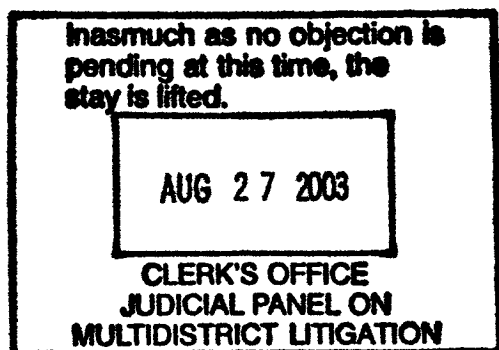
CONDITIONAL TRANSFER ORDER (CTO-1)

On June 25, 2003, the Panel transferred two civil actions to the United States District Court for the Eastern District of Texas for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. With the consent of that court, all such actions have been assigned to the Honorable T. John Ward.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the Eastern District of Texas and assigned to Judge Ward.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Texas for the reasons stated in the order of June 25, 2003, _____ F.Supp.2d _____ (J.P.M.L. 2003), and, with the consent of that court, assigned to the Honorable T. John Ward.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Texas. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.



FOR THE PANEL:

Michael J. Beck

Michael J. Beck
Clerk of the Panel

A TRUE COPY I CERTIFY
DAVID J. MALAND, CLERK
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
By: *[Signature]*

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